

Nos. 21-2759/1811

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED

Jan 24, 2023

DEBORAH S. HUNT, Clerk

OMAR RASHAD POUNCY,)
Petitioner-Appellee Cross-Appellant,)
v.) O R D E R
CARMEN DENISE PALMER, Warden,)
Respondent-Appellant Cross-Appellee.)

Both parties appeal from the district court's order granting petitioner habeas relief pursuant to 28 U.S.C. § 2254 on one ineffective-assistance-of-counsel claim and denying his remaining claims. Respondent moves to abate briefing, consolidate the appeals, and issue a cross-appeal briefing schedule, indicating petitioner's concurrence. Petitioner's counsel, Aaron M. Katz, moves to withdraw citing irreconcilable conflicts. After filing a pro se appellant brief in Case No. 21-1811, petitioner moves for the appointment of counsel and for leave to file an amended, oversized pro se appellant brief. He indicates his submitted brief is incomplete and requests counsel be appointed to supplement that brief and represent him in the respondent's appeal. He further moves to dismiss Case No. 21-2759 for want of prosecution and objects to abeyance and re-issuance of a cross-appeal briefing schedule for these appeals. Attorney Arlene F. Woods, counsel for petitioner making a limited appearance, moves to withdraw. Finally, petitioner moves for expedited resolution of these matters.

The motion to consolidate is **GRANTED**, and a cross-appeal briefing schedule shall issue once new counsel is appointed for petitioner. The motion for leave to file an amended, oversized

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pro se appellant brief is **DENIED**. Petitioner's pro se brief filed in Case No. 21-1811 shall be locked on the docket as appointed counsel will be directed to file the Second Brief in these consolidated cross-appeals. The motion to dismiss Case No. 21-2759 is **DENIED**.

The motions to withdraw are **GRANTED**, and Attorneys Katz and Woods are hereby relieved from further responsibility in these appeals. The clerk will appoint counsel for an indigent pro se appellee in a § 2254 habeas appeal. 6 Cir. I.O.P. 22(c). A review of the district court record reflects petitioner was granted pauper status for a prior appeal on June 1, 2020, which was never revoked. Additionally, although the filing fee was paid in petitioner's current appeal, Attorney Katz represents in his motion to withdraw that he represented petitioner in a pro bono capacity since 2019. Accordingly, the motion to appoint is **GRANTED**, and the clerk will promptly appoint new counsel for petitioner in these consolidated habeas appeals. The motion to expedite is **DENIED AS MOOT**.

ENTERED PURSUANT TO RULE 45(a)
RULES OF THE SIXTH CIRCUIT



Deborah S. Hunt, Clerk

United States Court of Appeals for the Sixth Circuit

U.S. Mail Notice of Docket Activity

The following transaction was filed on 01/24/2023.

Case Name: Omar Pouny v. Carmen Palmer
Case Number: 21-2759

Docket Text:

ORDER filed: The motion to consolidate is GRANTED [6749864-2] [6749906-2], and a cross-appeal briefing schedule shall issue once new counsel is appointed for petitioner. The motion for leave to file an amended, oversized pro se appellant brief is DENIED [6768313-2]. Petitioner's pro se brief filed in Case No. 21-1811 shall be locked on the docket as appointed counsel will be directed to file the Second Brief in these consolidated cross-appeals. The motion to dismiss Case No. 21-2759 is DENIED [6757199-2]. The motions to withdraw are GRANTED [6805014-2] [6754611-2], and Attorneys Katz and Woods are hereby relieved from further responsibility in these appeals. The clerk will appoint counsel for an indigent pro se appellee in a § 2254 habeas appeal. 6 Cir. I.O.P. 22(c). A review of the district court record reflects petitioner was granted pauper status for a prior appeal on June 1, 2020, which was never revoked. Additionally, although the filing fee was paid in petitioner's current appeal, Attorney Katz represents in his motion to withdraw that he represented petitioner in a pro bono capacity since 2019. Accordingly, the motion to appoint is GRANTED [6768302-2], and the clerk will promptly appoint new counsel for petitioner in these consolidated habeas appeals. The motion to expedite is DENIED AS MOOT [6839921-2] [6876847-2] [6876849-2] [6906145-2]. [21-2759, 21-1811]

The following documents(s) are associated with this transaction:

Document Description: Order

Notice will be sent to:

Omar Rashad Pouny
Macomb Correctional Facility
34625 26 Mile Road
Lenox Township, MI 48048-3000

A copy of this notice will be issued to:

Ms. Kinikia D. Essix
Mr. Aaron M. Katz
Mr. John S. Pallas
Arlene Frances Woods